

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN THE MATTER OF:**

**PEDRO ENRIQUE CUEVAS NEGRON  
MARIA MAGDALENA BERRIOS VEGA  
Debtor (s)**

**FIRSTBANK PUERTO RICO  
Movant**

**V.**

**PEDRO ENRIQUE CUEVAS NEGRON  
MARIA MAGDALENA BERRIOS VEGA  
JOSE RAMON CARRION MORALES  
CHAPTER 13 TRUSTEE  
Respondents**

**CASE NO: 09-03958 ESL**

**CHAPTER 13**

**11 USC 362 (d)**

**Request for relief from stay**

**MOTION FOR RELIEF FROM STAY**

TO THE HONORABLE COURT:

COMES NOW creditor FIRSTBANK PUERTO RICO represented by the undersigned attorney and respectfully sets forth and prays as follow:

**I. JURISDICTION**

1. The Court has jurisdiction over the subject matter pursuant to the provisions of 28 U.S.C. section 1334 and section 157 (b)(2)(G).

**II. CAUSE OF ACTION**

2. This contested matter is brought pursuant to Bankruptcy Rules 9014, 4001, and Section 362 of the Bankrptcy Code.

3. This bankruptcy petition was filed on May 15, 2009.

4. FIRSTBANK PUERTO RICO is a secured creditor in the above captioned case and the holder in due course of a mortgage note encumbering the following property:

**RUSTICA:** Predio de terreno de forma fisica irregular identificado con el numero 1 en el plano de inscripcion radicado en el Barrio Maná del termino municipal de Corozal, con una cabida superficial de 2084.2655 metros cuadrados. En lindes por el Noroeste, con la faja de terreno C segregada en este mismo caso y dedicada a uso publico que le sirve de acceso; por el Sur, con la parcela numero 2 segregado en este mismo caso por el Este, con Juan Rivera.-----

Consta inscrita al folio 64 del tomo 250 de Corozal, finca 12925, Registro de la Propiedad de Barranquitas.-

5. Debtor's reorganization plan provides for the debtor to maintain regular payments directly to movant.

6. The record of the Debtor's loan shows an indebtedness of \$2,222.55 of post petition arrears; including legal fees and the filing fees of this motion, late charges and other charges, (See Exhibith B attached herein).

7. The property is burdensome for the bankruptcy estate; therefore lifting the automatic stay is in the benefit of all interested parties.

#### **RELIEF FROM STAY**

8. That section 362 (d) of the Bankruptcy Code (the "Code"), 11 U.S.C. § 362 (d)(1) provides the cause of action for relief from the automatic stay as requested:

“(d) On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay

1. For cause, including the lack of adequate protection of an interest in property of such party in interest; or
2. With respect to a stay of an act against property under subsection (a) of this section, if-
  - A) The debtor does not have an equity in such property; and
  - B) Such property is not necessary to an effective reorganization.”

9. Cause exist for granting relief from the stay pursuant to section 362(d) supra, because the debtor is not complying with the terms of the plan.

WHEREFORE, Movant prays for an Order granting Relief from the Automatic Stay as requested.

Included as **Exhibit (A)**, is Movant Verified Statement regarding the information required by the Service Members Civil Relief Act of 2003 and a Department of Defense Manpower Data Center Military Status Report.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which shall send notification of such filing to debtor, counsel for the Debtor, the Chapter 13 Trustee and to all CM/ECF participants.

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